The Ritual Roots of Moral Reason

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Plutarch said: 'At Athens, Lysimache, the priestess of Athene Polias, when asked for a drink by the mule drivers who had transported the sacred vessels, replied, "No, for I fear it will get into the ritual." '[1] There is reason within ritual. Ritual is not the merely mechanical repetition of an act whose form and content is fixed rigidly in advance. When G. K. Chesterton inveighed against "the man of science, [who] not realizing that ceremonial is essentially a thing which is done without a reason, has to find a reason for every sort of ceremonial"[2], he was wrong to deny reason as such to ritual, although he was of course right in his condemnation of the man of science (for instance, the author of *The Golden Bough*), who seeks to reduce the reason in ritual to that of science, the only kind of reason he knows. Whenever a ritual is performed, there are decisions to be made – about what to leave in, and what to leave out, about how to adapt the model to the circumstances. Ritual acts must 'fit' the situation in which they are performed, and ritual acts must 'work' (whatever it is for a ritual act to 'work', or preserve that which is essential to it qua ritual of a given type). The priestess of Athene Polias had to think about what made her ritual the ritual it was, and be led by this to decide which modifications are, and which are not, consistent with its unity and function.

In this paper, I will give an account of the reason in ritual. It is an account substantially derived from the ritual theory of the Mīmāṃsā, the Indian interpreters of Vedic ritual. Ritual reason, in the model I want to develop, is governed by relations of *substitution* and *adaptation*. It is a matter of deliberation about how a given blueprint or model for a ritual is to be instantiated in an actual ritual action in a particular context. I will then go on to argue that the intellectual virtues associated with ritual

[1] Quoted by Jonathan Z. Smith in "The Bare Facts of Ritual", *Imagining Religion: From Babylon to Jonestown* (UCP 1982), pp. 53–65.
[2] G. K. Chesterton, *Heretics* (1905), p. 144.

reason are precisely those needed for ethical reasoning in general, so that the account of ritual reason becomes a general account of moral reason. Indeed, the process by which this comes about is itself an instance of ritual reasoning at second-order: styles of reasoning about ritual acts are adapted and modified until they become models for practical deliberation outside the ritual sphere. In both these ways, the ritual is a blueprint for the ethical.

1. Ritual and religious duty in the Hindu canon

There are traditionally said to be two parts to the Hindu canon. One is the Veda, which is also called ßruti, 'what is heard'. The Vedas are taken to consist essentially in an eternal, authorless body of ritual imperatives of the general schematic form "One who desires heaven ought to perform the agnihotra sacrifice." The M¥måµså-sËtra is the ur-text of the Mīmāṃsā school, a school of Vedic ritual theory. It is very difficult to date this text with any accuracy; perhaps in some form it already existed in about 400 B.C. and its compilation into the recension as we now have it took place in the following few centuries.[3] The best-known of the commentators on Mīmāṃsā are Śabara (c. 400 A.D.) and Kumārila (c. 650 A.D.). The other part of the Hindu canon is made up of a variety of 'lawbooks' or digests on *dharma* – moral, social and religious duty, including duties specific to the 'stations' of life. These lawbooks are collectively known as the *dharmaśāstra,* and they are also said to be smṛti, 'what is remembered.' The *Manu-smṛti* – the lawbook of Manu – is the most important and popular of such texts. It dates, again very approximately, from somewhere between 200 B.C. and 200 A.D.[4] Medhātithi, to whom I shall refer a number of times, is one of several commentators; he lived in the second half of the ninth century or first half of the tenth century AD. From these works on ritual theory and religious duty, what can we learn about the nature of reason? Wilhelm Halbfass has said that "the *varṇāśramadharma* [theory of duty], as understood by the "orthodox" (*smārta*) core of the tradition and articulated in the *mīmāṃsā* and *dharmaśāstra* literature… leaves little room for rational ethical critique," that "attempts from various directions to ethicize and

[3] See Jean-Marie Verpoorten, M¥måµså Literature (Wiesbaden: Otto Harrassowitz, 1987).
[4] See the Introduction to *The Laws of Manu*, translated by Wendy Doniger and Brian Smith (London: Penguin Books, 1991), and Robert Lingat, The Classical Law of India (California, 1963).

universalize *dharma* … are rejected or discarded by the tradition".[5] One of my purposes in this paper is to argue against this analysis of the ethical resources of Hinduism. I will seek to demonstrate instead that a distinctive form of ethical reasoning is centrally located in orthodox Hinduism. My thesis is that a model of *ritual reason*, introduced and developed in *mīmāṃsā* as a means to reason about the proper way to perform, adapt, and manipulate vedic rituals, is transformed in the *dharmaśāstra* into a model of *moral reason*, a method of reasoning about 'what is to be done' (*dharma*) in a full range of deliberative contexts. The conception of moral reason sustained by the ritual model is particularist and situational, and yet has clear differences from (and merits over) comparable conceptions more familiar to us from Aristotelian ethics[6].

2. Sacred reason

Somewhere in the Vedas, it is reported to be said –

> The gods came down from their world to this world, the ṛṣis followed them, and the people said to them 'how then are we going to live?' To them, the ṛṣis revealed all the proper acts. And so, such reasoning (*tarka*) as the best of brahmins propound, it alone is sacred (*ārṣa*).[7]

This Vedic passage above is quoted by Medhātithi in his commentary on Manu's *Manusmṛti* 12.106. Manu himself is clear about the status of reason in matters of *dharma* or "what is to be done"[8]. The Vedas and *dharmaśāstra*s are beyond question (*amīmāṃsye*), for *dharma* arises out of them, and therefore the use of the art of reasoning (*hetuśāstra*) in disregard of them merits only expulsion by the virtuous. Nevertheless he and no other knows 'what is to be done' who, with reasoning (*tarka*) that doesṣ not contradict the teachings of the Veda, inspects the instructions about *dharma* and the ṛṣis' revelations:

[5] Wilhelm Halbfass, "Dharma in Traditional Hinduism", *India and Europe* (Albany: SUNY), p.332–3.
[6] For example Martha Nussbaum's *The Fragility of Goodness* (Cambridge: Cambridge University Press, 2986).
[7] *devā asmāl lokād amuṃ lokam āyaṃs tānṛṣayo 'nvīyus tānmanuṣyā abruvan katham atho bhaviṣyāmaḥ ebhyaḥ sarvakarmaṛṣayaḥ prāyacchat / tasmād yat brāhmaṇottamās tarkayaṃaty ārṣam eva tadbhavatīti śruteḥ /*
[8] "*tasya [dharmasya] kartavyatāsvabhāvatvāt"* – Medhātithi, p. 63; 59.

Manu 2.10–11. The Veda should be known as the revealed canon, and the teachings of dharma as the tradition. These two are beyond criticism in all matters, for duty (*dharma)* arose out of the two of them. A twice-born man who disregards these two roots because he relies on the arts of reason (*hetuśāstra*) should be expelled by virtuous people as an atheist and a reviler of the Veda.

Manu 12.106. The man who uses reason (*tarka*), which does not contradict the teachings of the Veda, to investigate the sages' (Veda) and the instructions about duty – he alone, and no one else, knows duty.

A contrast is made out, partly through the use of two different terms for 'reason' itself (*hetu*, *tarka*), between two forms of moral deliberation, one categorically dismissed and the other applauded to the highest degree. Reasoning of the first sort, which questions the moral standing of actions enjoined in the Vedas, involves itself in a performative contradiction – or so argues the commentator Medhātithi – for the Vedas themselves are the source of the normative criteria against which any action is to be evaluated. To argue that ritual killing is sinful on the grounds that it is an act of violence like any other is to forget that the immorality of violence is laid out only by the Vedas themselves, whose status therefore as a source of knowledge about *dharma* is presupposed by the criticism of them (Medhātithi, p. 71). What makes an act of violence sinful is not simply that it is an act of violence, but that it is prohibited by the Vedas, and the Vedic prohibition cannot without self-reference apply to itself (Medhātithi, p. 62).

Moral deliberation that consists in applying criteria to evaluate actions involves itself in a performative contradiction when it attempts to criticise the Veda, for the Veda is, by definition, the means by which such criteria are tested.[9] The same is true of another

[9] On the Vedas as a source of knowledge about *dharma* being a matter of definition cf. Medhātithi, p. 58: *vyutpādyate ca vedaśabdaḥ / vidanty ananyapramāṇavedyaṃ dharmalakṣaṇaṃ artham asmād iti vedaḥ*). The Vedas are conceived of, not merely as one body of moral precepts among others, but rather as a set of statements distinguished on formal grounds as that which is capable of testing maxims for action. The Vedas are described in the *Mīmāṃsā-sūtra* (1.1.2) as the 'indicator' (*lakṣaṇa*) of *dharma*, and in the *Manu-smṛti* (2.6) as the 'root' (*mūla*) of *dharma*; but in both cases, the meaning is that they are regulative and not constitutive: they guide the selection of maxims for action but do not themselves create or produce such maxims (cf. Medādhiti, p. 59: *kāraṇaṃ mūlam / tac ca vedasmṛtyor dharmapratijñāpakatayaiva, na nirvartakatayā na ca sthitihetutayā, vṛkṣasyeva*.) Two of the formal

part of the religious canon, the *smṛti*, the 'recalled' traditional writing about *dharma*, a body of texts which, like the Vedas, consist in rules of proper conduct, but which, unlike the Vedas, are ascribed to (possibly mythical) human redactors. The relationship between the *smṛti* and the *śruti* is fundamental to Hinduism's conception of itself as a religion *based on* the Vedas. It is in the *smṛti*, the codified tradition of religious instruction, rather than the *śruti*, the 'revealed' word describing by-and-large arcane ritual practices, that the actual duties of Hindus are described. How is it, then, that the ethical rules of the *dharmaśāstra*s, with their human redactors and group-specific rules, are to be justified, if it is the Veda and the Veda alone which is the foundation of *dharma*? Against the background set by this question, let us consider the nature of that moral reasoning which is so applauded by Manu.

Moral deliberation is in part deliberation about what sort of rules *could* have a basis in the Veda. The form of reasoning which Manu condemned involved itself in a performative contradiction when it sought critically to evaluate actions enjoined by the Vedas and *dharmaśāstra*s, forgetting that it is because of them alone that we know criteria of moral evaluation. What about the style of moral thinking that he praises, even to the point of saying that he alone who employs it knows *dharma*? The commentator Medhātithi identifies Manu's use of the term 'reasoning' or *tarka* here with the kind of reasoning employed by the Mīmāṃsakas in thinking about the right and proper way to perform rituals. It is a form of reasoning that is embedded in a dialectical frame, involving the setting up of a dialogue between a *pūrvapakṣa* or prima facie view, and a *siddhānta* or considered conclusion[10] (Manu 12.106). And Medhātithi goes on to say:

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criteria are that the Vedas are "without an author" (*anapekṣa, apauruṣeya*) and "eternal" (*autpattika, nitya*) (MS 1.1.5; 1.1.25–31). These are criteria that apply both to the Vedas as literary objects and as importantly to their contents. Thhe texts themselves are without a history, and their injunctions are law-like, where the lawlikeness of a statement consists in its applying equally and non-arbitrarily, and, in consequence, no particular being mentioned by the law; its content is fully general (MS 1.1.31; 2.4.18: *na caikaṃ prati śiṣyate* 'and no one [person in particular] is enjoined/taught'). A third criterion is that the statement has the form of an injunction or action-prescription (*vidhi*), and a fourth that the action so prescribed has no visible motive for its performance (MS 1.3.4, 7; Manu 2.13). Actions prescribed by the Vedas are actions that "should be done" because they are right to do, as distinct from actions which rest on prudential maxims of self-interest. And also [as Medhātithi makes clear (p. 59)] ordinary acts with detectable effects, such as tilling the land, can be tested by the empirical method of positive and negative concommitance (*anvayavyatireka*). It is only those moral actions without detectable effects which require some other method of testing, and it is for these that Vedic certification is necessary.

[10] Medh. p. 71 under Manu 2.10: *na punarayamartho vedasyādyaḥ pūrvapakṣa utasvidyaḥ siddhānta ityeṣā mīmāṃsā niṣidhyate / yato vakṣyate 'yattarkeṇānusandhatte sa dharma veda netara iti.*

Reasoning (*tarka*) is an internal (*antarya*) investigation involving adaptation (*ūha*) and exclusion (*apoha*) – "this is fit to be modified, this to be excluded." When the *mantra* offered in a performance of the Saurya ritual is obtained from the [Āgneya] archetype –

> *devasya tvā savituḥ prasave 'śvinor bāhubhāṃ pūrṇo hastābhyām* ***agnaye*** *tvā juṣṭaṃ nirvāmi*" (Vājasaneya Saṃhitā 2.11),

– the word "agni" is excluded as its meaning does not fit, and the word "sūrya" is added. This reasoning is not inconsistent with the Veda (Medh. p. 485).

Medhātithi continues that it would be inconsistent with the Veda either to argue that the whole *mantra* should be dropped because it fails to fit the new context, or to argue that the *mantra* should be taken over directly in its unaltered form. The study of the Mīmāṃsā methods of ritual reasoning is therefore commended as the proper way forward in matters of social, ethical and religious duty.

3. Ritual reason: adaptive reasoning from paradigms

The reference in the above quotation is to a sophisticated theory of reason developed by the Mīmāṃsakas in a particular context. The problem there was this: how ought one perform ritual acts whose details are only incompletely described in the Vedic texts? It is a species of what we would now call reasoning under uncertainty, working out what to do when we do not have the full facts at our disposal. The method recommended by the Mīmāṃsakas consists in a procedure of transfer (*atideśa*), adaptation (*ūha*) and annulment (*bādha*) of details, from those 'model' (*prakṛti*) rituals whose performance is completely specified to those 'variant' (*vikṛti*) rituals the details of which are only incompletely given. An appropriate model for the variant ritual is selected according to criteria based on commonality of function, purpose and structure. A generic metarule for the transfer of details asserts that the variant is to be performed in the same manner as the model[11], but the blanket rule is subject to caveats permitting the adaptation of transferred details to fit the new context, and the suspension or annulment of the transfer of a detail that has no place in the new ritual. The method of reasoning described here is pragmatic, situational, and informal. Sound

judgement and practical wisdom guide the process of selection and adaptation, rather than hard-and-fast rules. That is what makes this the sacred reasoning (*tarka*) of the best of brahmins; they are the ones on whose judgement we can depend (we should see this as the definition of a 'best brahmin' rather than as propaganda for an epistemological elite). *Tarka*, sometimes called 'suppositional reason', is a style of reasoning that calls upon the reasoner to use skills of imagination, hypothesis, and simulation in thinking through a new situation by means of the adaptation of an old one. It makes a connection between ritual rationality and games of make-believe and pretence.[12]

Although it is developed in a particular context, the Mīmāṃsā theory is clearly a theory of practical reason, a method for deciding what properly is to be done. The pattern exemplified – taking a single instance and transferring its properties to the members of a class of resembling particulars, crops up many times and in many different contexts in the ancient Indian literature. The logicians call it by the nickname 'rice-in-the-pan' reasoning (*sthālīpulākanyāya*), for it is nicely illustrated by the reasoning that goes on when we test the firmness of one grain of rice in a cooking vessel, and infer on that basis whether the rest of the rice is cooked. This example is found in texts as diverse as the *Mahābhāṣya* (1.4.23), the *Ts'ing-mu* (a commentary on Nāgārjuna's *Mūlamadhyamakakārikā*), and more especially in the *Mīmāṃsā-sūtra* itself (7.4.12), where it is appealed to in order to resolve a methodological problem about the inferred transfer of ritual procedure to an incompletely specified ritual action.

The question arises as to whether we could transfer the procedural details from ordinary acts, and not just from other Vedic ritual acts. The answer is that they should always be transferred from Vedic ritual acts, for this has been enjoined explicitly in at least some cases. Thus MS 7.4.12 says –

> As the sign is the prior type (*pūrvavat*), and as the injunctive verb is common to all, it may be indicated even by a single instance, as with the rice in the pan.

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[11] Cf. Śabara under 9.3.1: *yat prakṛtau kartavyaṃ tat vikṛtau iti*. cf. under 7.1.12.

[12] See my *Philosophy in Classical India: The Proper Work of Reason* (London: Routledge, 2001), chapter 6 esp. pp. 158–9 for more on this aspect of the nature of *tarka*.

Śabara now comments:

> A sign which is prior to the detail (*nyāya*), being seen even in a single case, indicates the propriety of all equivalent (*tulya*) details. Just as one grain of rice cooked equally in a pot, on being pressed, makes known the state of the others too, on the ground that the same cause that made the tested grain soft is present in the case of other grains too. From all this it follows that in the case of all sacrifices (whose procedure has not been explicitly laid down), the Vedic procedure should be adopted.

The structure of such a pattern of reasoning is now clear: it consists in the transfer of a property from a known instance to relevantly similar other instances. What makes such reasoning possible, as Śabara's comment reveals, is the assumption of a common cause- that whatever it is that has caused the one grain of rice to become soft will similarly have made soft all other grains of rice equivalent in being in the same pan and under the same cooking conditions.[13] Allowances can be made for variation in the place of the rice in the pot and other such situational variables (this is the proper function of the reasoning called *ūha*, 'adaptation'). This assumption is a presupposition upon which such patterns of reasoning depend; it is, so to speak, a requirement of reason (the echo of Kant's talk of the requirements of practical reason is intentional). And when the model is extended from rice, through ritual, to moral deliberation more generally, an analogous requirement, this time of practical reason, emerges- that there is a stable moral order, just as there is a stable causal order, in virtue of which actions in one situation may serve as a guide to actions in sufficiently commensurable other situations, and that the actions of one good man may serve as a guide for the actions of others. It is the guarantee that what is good at one time and place is good at others, a guarantee without which moral reasoning based on a method of transfer and modification would collapse. We would be stuck with Aristotle's version of moral particularism, and have to attend to the particular in all its isolated glory, unable to draw upon the rich rescources of resemblance and situational adaptation. This resonates with another of the many meanings of *dharma*: as that which 'upholds' or 'supports' people's moral actions.

It is reasoning of precisely this kind that is used to justify those rules of conduct in the *smṛti* to which there corresponds no extant Vedic text. The problem is to explain moral innovation within an ahistorical framework. How can that which does not have a history serve as the basis for that which does? The gauntlet is thrown down in *Mīmāṃsā-sūtra* 1.3.1: if *dharma* is rooted in the Vedas, then whatever is not Vedic cannot be depended on[14]. The reply in 1.3.2 is that reason (*anumāna*) is the proper method (for authenticating the *smṛti*), specifically reasoning from a common cause[15]. One commentator (Śabara) explains that the form of reasoning involved begins with the premise that the persons who compiled the *smṛti*s and acted in accordance with them, were people of moral standing who actions were fully guided by the Veda and who performed all their Vedic duties. It is said then to follow that since some of the rules they followed are Vedic, the others too must be so (the *anumāna*), and from this one may conclude that the authors of the *smṛti* knew of and followed Vedic texts that are now lost to us. The inference is to a mislaid or forgotten Vedic basis for the rules of *smṛti*. A similar strategy is seen at work in the explanation of linguistic change within a model of the fixed and eternal Sanskrit language. New linguistic usages, it is claimed, do not force a revision of the old rules, but are simply new discoveries in an infinite and partly lost reservoir of eternal grammatical rules.[16]

Another commentator, Kumārila, points out that if the conclusion of our inference is the existence of a lost Veda, then it is not an inference from particular to particular on the presumption of a common cause; rather, it takes that inference as a whole as the premise and infers to its presumption, the common cause, as its conclusion. So he reconstructs the argument (of MS 1.3.2) as a sort of inference to the best or only consistent explanation (*arthāpatti*): the only consistent explanation of the claims about *dharma* recorded in the *smṛti* is that they report the contents of now lost Vedas. Both agree, however, that the reasoning in question is not a species of consequential evaluation. We do not look to the consequences of the act, or to the perceived consequences of resembling acts, as we do when we infer that it will rain because the ants are carrying their eggs (Medh. 2.6). The reasoning is not from effect to cause (*śeṣavat*) but from cause to effect (*pūrvavat*).

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[13] Compare also *Nyāya-sūtra* 1.1.32–6 for a similar model of reasoning.
[14] *dharmasya śabdamūlatvād aśadbam anapekṣaṃ syād*.
[15] MS 1.3.2: *api vā kartṛsāmānyāt pramāṇam anumānaṃ syāt*.
[16] The point is made well by Madhav Deshpande; see Eivind Kahrs, *Indian Semantic Analysis*, CUP 1998, p. 187.

The implication of this argument is that the Vedas are to be regarded not as a limited and specific collection of moral rules, but as an idealised method for moral knowledge. To say of some maxim for action that it is indeed a norm for good conduct is to say that it meets those formal criteria that would entitle us to infer back to a now lost Veda to which it corresponds. In particular, a Vedic injunction mentions no particular, contains no proper name, and so is general in its application. In a discussion about the legitimacy of regional customs (MS 1.3.15–23), a prima facie view is put forward that the Vedic rule that legitimates a regional custom must specify the specific region in which the rule applies[17]. That view is rejected, however, on the grounds that genuinely moral duties must apply in all regions, for that is the nature of such duties[18]. This is not to say that the ritual model of duty is a model of unconditional duty; for there is in the *mīmāṃsā* a well attested distinction between occasional (*naimittika*) and obligatory (*nitya*) ritual duties. Rather, the point is that geography is not a consideration in the evaluation of moral resemblance. The moral relevance of time, however, is clearly recognised in this model: *when* one performs an action can matter in ways that *where* one performs it never can.[19]

Let us pause and take stock. The general model of reason under consideration is this one: x is F, y resembles x in salient respects; therefore, y is F. The same general model is exemplified in a number of contexts – empirical prediction, ritual practice, and moral deliberation:

Case 1: Rice.	That grain of rice is cooked. This grain is like that one (both have been in the pan for the same time, etc.) *Therefore*, this grain of rice is cooked too.
Case 2: Ritual.	That ritual is performed thus-&-so. This ritual is like that one (that is the model of which this is a variant). *Therefore*, this ritual is performed thus-&-so too.

[17] MS 1.3.15: *anumānavyavyasthānāt tatsaṃyuktam pramāṇaṃ syāt*.
[18] MS 1.3.16: *api vā sarvadharmaḥ syāt, tannyāyaytvādvidhānasya; MS 1.3.18: liṅgābhāvac ca nitasya*.

Case 3: Rules. That rule is Vedic.
This rule is like that one (both are followed by a virtuous man)
Therefore, this rule is Vedic too.

Case 3 (variant). That rule is Vedic.
This rule is like that one (both share certain formal properties, such as generality, impartiality, etc.)
Therefore, this rule is Vedic too.

This is the particularist and situational model of reason that is developed in the context of ritual theory and transformed into a general conception of practical reasoning and ethical deliberation. In attaching central importance to resemblances between relevantly similar cases, it is a model at considerable remove from moral particularism of the Aristotelian variety.[20]

4. The Good Man as a paradgm of exemplary conduct .

Manu lists the Vedas and the *smṛti* as two of his four 'roots' of *dharma*:

> 2.1 Learn the *dharma* that is approved of by the heart, constantly followed by the knowledgeable and the good who have neither hatred nor greed.
>
> 2.6 The root of *dharma* is the entire Veda, the *smṛti* and virtue of those who know it, the conduct of the good, and one's own satisfaction.
>
> 2.12 The Veda, the *smṛti*, the conduct of the good, and what is dear to oneself – this, they say, is the four-fold manifest mark of *dharma*.

Who is a good man (*sad*, *sādhu*)? A good man, the commentator explains, is someone who, acting in a manner circumscribed by evidence (*pramāṇa*), directs his efforts

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[19] A fact possibly related with the migratory habits of the ancient aryans.
[20] Cf. Jonathan Dancy's *Moral Reasons* (Oxford: Oxford University Press, 1993) for an explicit denial that a particular case's resemblance with other cases is relevant to its moral evaluation.

towards obtaining what is valuable (*hita*; other meanings possible) and avoiding what has no value – the value of things in the everyday world is well-known, while the value of other things is indicated by the injunctions and prohibitions of the Vedas (Medh. p. 51 under Manu 2.1). Such a man must be knowledgeable (*vedavit*; *śiṣṭa*), and indeed be good because knowledgeable. Here, to be knowledgeable is, by definition, to be well-versed in the nature of evidence and the contents of the Vedas. And, moreover, such a man must be free from hatred and greed, since hatred and greed motivate even knowledgeable people to perform improper acts. To free oneself from the base motivations is, indeed, what it is to possess virtue (*śīla*). Virtue consists in directing one's attention away from other things and onto only what is worthy to be done (Medh. p. 67 under 2.6).

The good man, then, is a man who tries to instantiate in his actions the *dharma*, the actions that 'are to be done'. He will use reason to interpret and apply the model actions prescribed in the Vedas, both within and outside the ritual sphere. Manu, and the other compilers of the *smṛti*, were such persons, and it is for that reason that the *smṛti* is itself a 'root' of *dharma*. But how does the good man himself function as a 'root' of *dharma*? It is because his conduct is exemplary, - in the quite literal sense of being at once an exemplar (an instance) and an example (to be followed). As such he can play a role in moral reasoning exactly akin to the role played by the archetypal 'model' ritual in the Mīmāṃsakas' description of ritual reason.

Kumārila (c. 650 A.D.) interprets *Mīmāṃsā-sūtra* 1.3.5–7 as referring to the problem of the conduct of the good. One might think that it is not inconsistent to take the conduct and teachings of leaders of other religions as a moral guide when they are compatible with the Vedas; for example, the Buddha's instructions about the founding of public parks and the practice of meditation, truthfulness, non-violence and charity. The somewhat uncompromising reply is that there is a limit on what can count as a sacred text (MS 1.3.5–6). In fact, the Buddha and other religious teachers are not "good men", because, although their conduct is sometimes in accordance with the Vedic prescriptions, it is also often not. Their good deeds and teachings, Kumārila says, are mixed up with and dissolve into the rest, just like powdered alum sprinkled on molten gold. More tellingly, Kumārila says that truths about *dharma,* that are so mixed up with untruth, are based on false reason, or rather false uses of attested patterns of reasoning. The transferential patterns of moral reasoning we have been

considering can still lead to truth even if they begin with false paradigms and proceed via false resemblances, just as any invalid argument may happen to have a true conclusion. The invalidity of the argument leaves the conclusion, even if true, unjustified by that argument; likewise here, the good conduct of those who are not "good" men does not carry moral force.

The apparent severity and intolerance of Kumārila's position is ameliorated, however, in his discussion of MS 1.3.7, which states that that what is found not to have an ulterior motive should be accepted as proper. A condition on a moral rule counting as Vedic, and a stipulation on the conduct of good men, was that the rule was based on no visible ulterior motive such as greed or hatred (MS 1.3.3). So what is ultimately seen to exclude the founding teachers of other religions from the category of "the good" is not that they hold heterodox opinions, bad views mixed in with their apparently good ones, but simply that they reason badly with minds not fully focussed on 'what is to be done'. And that is no argument at all against the possibility of other religions, but simply an *ad hominem*. Kumārila must in any case be careful how heavily he relies on 'mixedness' as a disqualifier, for he also has to explain away the various misdeeds of the "good" people in the epics and *purāṇa*s, such as the celibate Kṛṣṇa Dvaipāyana, who had children by the wives of his younger brother, the excessive drinking of Vāsudeva and Arjuna, and the polyandry of Draupadī.

In this connection, Kumārila raises a version of the puzzle familiar to us from the *Euthyphro*. "You think those people to be good whose conduct is good; and you hold such conduct to be good as consists in the acts of good people; and thus there being a circularity, neither of the two is established." (p. 183). His answer is that when we take the practices of the good as a guide in our moral conduct, we tend to forget that those practices are themselves good only because the person's actions are a model for good conduct as made known by the Vedas. When a good man engages in new practices, not themselves directly mentioned in the Vedas, using his moral reason in a process of transfer, modification and substitution, our entitlement to regard these new practices as themselves good is derived from an argument - the very same argument indeed that certified the *smṛti* as a proper extension of the *śruti*. The normative grounds of moral conduct spread out from the narrow confines of Vedic ritual through a mechanism of transfer, adaptation, and annulment that is the proper method in moral deliberation.

The same mechanism shows how group-specific forms of moral conduct arise - in the extrapolation of conduct not from one good brahmin to all people, but only to other brahmins, or from one kṣatriya only to others. Relations of resemblance underpin the manufacture of group-specific rules of conduct. The very method by which general maxims are derived as extrapolation from particulars implies that the rules that result will be situational: their scope will be of the form "this and what is similar to it". Yet, as Kumārila astutely points out, we gradually "lose sight of the fact that such rules are only occasional (*naimittika*), and gradually come to think of them as obligatory (*nitya*)" (*Tantravārttika*, p. 186). The ascent of duties specific to caste and social status, one might speculate, is the result of a similar mistake, this time about which aspects of resemblance are relevant to the extrapolation of right and wrong: relations of moral resemblance need not track analogies in social standing. This is not to say that there are no group-specific duties: a daughter has duties that a mother does not have, and vice versa. New rules generalise from historical circumstance, and strive to do so in a way that will transform them from codes of good conduct into binding moral obligations.

5. Conflicting rules and ethical dilemmas

I have been arguing that the rational methods developed by the Mīmāṃsakas to deal with situations of ritual underspecification found a wider domain of application in ethical deliberation. Something similar is true of the converse, the situation of overspecification or conflict. There is no shortage of examples of Vedic prescriptions that contradict one another ("Pour the libation before the sun has risen." "Pour the libation when the sun has risen." "Hold the *śoḍaṣi* vessels at the *atirātra*." "Do not hold the *śoḍaṣi* vessels at the *atirātra*."). Conflicts arise too within the *dharmaśāstra* as well as between the Veda and *dharmaśāstra*. Yājñavalkya says that "in case of a conflict between two *smṛti*s, reasoning (*nyāya*) guided by practice has the strength"[21]. In some cases, it may be possible to diffuse the tension and to argue that no genuine conflict arises. Standard Mīmāṃsā strategies for diffusing the conflict are to argue

[21] 2.1: *smṛtyor virodhe nyāyas tu balavān vyavyahārataḥ*; see Lingat p. 168. cf. *Vyav. cint.* 10: *paraspara-virodhe tu nyāya-yuktam pramāṇatvāt*; Robert Lingat, *The Classical Law of India* (California, 1963), p.161.

that one of the prescriptions is not really an injunction (*vidhi*) but rather a commendation (*arthavāda*), or else to show that there is a relation of mutual complementarity (*ākāṅkṣā*) between the two rules (cf. MS 2.1.46) - that one is a general rule and the other a special case, or that the two rules lack a common subject[22]. But there remain many cases of genuine conflict, in which two rules are equally and properly applicable to a given particular. Following André Jolles, let us call such a situation a "case" (Kasus). In his short formalist treatise *Einfache Formen*[23], Jolles identifies nine basic forms of thought as expressed in language: the legend, the saga, the myth, the riddle, the proverb, the case, the memoir, the tale, and the joke. Unlike the legend, the function of a case is not to illustrate or exemplify a particular moral value in ideal conduct, but to test the norms themselves in a specific instance (a case is *not* an 'example' of a norm; an 'example' will be called *dṛṣtānta, udāharaṇa*). A case is a problem in judgment, an exercise in casuistry, in which conflicting sets of norms are balanced one against another, and in the process become themselves the objects of evaluation:

> What is peculiar to the form 'case', however, lies in the fact that it asks a question but cannot give an answer, that it leaves the duty of the decision to us but does not contain the decision in itself – what is realised in it is the weighing, but not the result of the weighing…In the case, the temptations and difficulties of balancing lay before us. … we could say that in this form is realised the swinging back and forth of the mental activity of weighing and weighing-up.

Jolles illustrates his idea of the case form with one of the *vetāla* stories from Somadeva's *Ocean of Story-Streams* (*Kathāsaritsāgara*). It is the story of three suitors "all equally virtuous and accomplished", courting the beautiful daughter of a pious brahmin. All of a sudden, she develops a fever and dies. The three suitors respond to this unexpected turn of events in different ways: after she had been cremated, one "made a bed of her ashes and began to live off alms"; the second took her bones to the Gaṅgā. The third became a renunciant and began to wander through the land, and in the course of his wanderings came upon a magical spell, a *mantra* that could bring the dead back to life. He steals the *mantra*, rushes back, and brings his

[22] Cf. Lingat, pp. 160-1.
[23] André Jolles, *Einfache Formen* (Tübingen: Max Niemeyer Verlag, 1965).

beloved back to life. The three suitors, of course, then begin to squabble. One says "She is my wife because I brought her back to life with my *mantra*." One says "She is my wife because I brought her back to life by visiting a sacred pilgrimage spot." The third says "She is my wife because I looked after her ashes and brought her back to life through my penance". At this point the *vetāla*, a necrophiliac spirit who has been narrating the story, says to King Vikrama, to whom the story is being narrated, "King Vikrama, you be the judge of their dispute. Tell me, whose wife should that girl be? If you know the answer and don't tell me, your head will split open!" The king is asked to adjudicate between three competing norms, three claims to be the one who in his actions most resembles a husband. The king replies, "The one who gave her life is like a father…the one who took her bones to the Gaṅgā is like a son. The one who slept on her ashes and practiced austerities in the cremation ground is the one fit to be her husband because his actions were motivated by true love."

The story might remind one of Manu 8.41: "he [the king] who knows *dharma* must inquire into the laws of castes, districts, [mercantile] guilds, and even families and thus settle the particular *dharma* for each." What is the measure, in a "measuring of measure against measure" (Jolles)? When two Vedic injunctions are directly incompatible, the Mīmāṃsakas say that we have the "option" (*vikalpa*), but they do not mean by this that the choice is arbitrary. What about when there is a conflict between *śruti* and *smṛti*, that is between some known Vedic passage and an inference back to some lost or no longer known Vedic source? The *Mīmāṃsā-sūtra* position is that "in the event of a contradiction, there is no need [for the inference], for it is only when there is no [contradiction] that an inference [is made]" (MS 1.3.3). According to one commentator (Śabara), what this means is that in a conflict between an extant Vedic text and a rule of conduct in the *smṛti*, the inference to a lost Veda that would justify the *smṛti* does not even get off the ground. A rule of *smṛti* contradicted by an extant Vedic text is, on this account, an exception to the inferred general rule that rules of *smṛti* coincide with lost Vedic passages. One might worry that this threatens the justification for the entire body of *smṛti*, for there is an endless number of misplaced Vedic passages. Who is to be sure that among them there is not one that contradicts any given *smṛti* text? Another commentator, Kumārila, is clearly aware of the nature of defeasible evidence (or rather, the defeasible nature of evidence) - he says that a *smṛti* contradicted by an unknown Veda would be like a fake coin not yet found out; both have currency until the defeater turns up. He redescribes the case as

one of preemption: the inference back to a lost Veda that would justify the rule is preempted by the 'speedier' extant Vedic passage. The inference would have justified the contradicted norm had it not been preempted (like someone being poisoned and then shot before the poison has a chance to take effect), and the inference does justify a norm just as long as no defeater comes to light. So it is not that contradicted *smṛti*s are exceptions to the general rule, but rather the general rule is suspended (preempted) by a contradicting Vedic passage. Kumārila says that "when two measures are found to contradict each other, … the point at issue can be decided only by a third measure" (pp. 147–8), and he suggests here that the 'third measure' is proximity to goal. In this case the goal is the prescription of an act that ought to be done, and the Vedic injunction, which stipulates an act explicitly, reaches its goal long before the *smṛti* passage, which has to take the back route by way of an inference to some lost Vedic stipulation.

Medhātithi, Manu's commentator, prefers to claim that a contradicted *smṛti* retains its normative force, even if it is over-ridden: "it is only natural that what is directly expressed should over-ride what has been only indirectly indicated, and so is remoter and hence weaker. But from this is does not follow that what has been over-ruled loses its validity." (p. 65). [This might also be Kumārila's final position.] He goes on to compare this with the analogous case that arises when the Mīmāṃsaka reasons from 'model' ritual to variant. In such reasoning, the explicit always over-rides the implicit. For a specific injunction pertaining to the variant will always take precedence over the inferential transfer of a detail from the model in accordance with the generic metarule[24]. Here again 'proximity' is the measure against which the conflicting rules are compared, but now it is a method for deciding which of two conflicting norms is the defeator and which the defeated.

Such methods of adjudication work as long as the norms in conflict are of different kinds – one more proximate, more direct, and least dependent – but what if they are, as Kumārila puts it, like two men standing on a step? What if there are two model rituals promoting incompatible modes of performance, or two good men recommending incompatible courses of action? The conflict then is between competing claims of resemblance, just as it was in the case of the three suitors. We will have to choose between norms that do not arrange themselves conveniently along

axes of proximity, directness or logical dependence, and we shall have to bear in mind that choosing one does not deprive the other of its normative pull. When two Vedic injunctions directly contradict one, the Mīmāṃsakas say we have an 'option'; but Kumārila reminds us that choosing one does not make the other one go away:

> In the case of the injunctions of the *yava* and the *vrīhi*, at the time that we accept the latter alternative and use the *vrīhi* at the sacrifice, we impose upon the former injunction an invalidity which is altogether foreign to it; and in the same manner, at the time that we accept the other alternative and make use of the *yava*, the extrinsic invalidity that had been imposed upon it is overridden by its own inherent validity; especially is such the case because of both the texts being equal in their authority, both equally forming part of the same Veda, and there being no difference between the two with regard to the proximity or otherwise of their respective goals. (p. 137)

This is not the only time we meet with the idea of a forced suspension of duty. Manu's theory of the four *yuga*s or Ages (Manu 1.84–6) has the duties of man gradually narrowing with each worsening age. The implication is not that there are different duties appropriate to each of the four ages, but that the diminution in man's capacities and longevity renders him capable of performing only some of the duties that befall him; the remainder continue to be duties but ones he is no longer capable of performing (a counter-example to the Kantian dictum 'ought implies can'?). The same might be said of the theory of *āpaddharma*, the temporary suspension of duties in times of emergency. The duties remain in force but the times render them impossible to fulfill. And it is the same too in situations of moral conflict. When norms of equal standing are thrown together in a specific case, suspension rather than revision is the preferred model in the resolution of moral conflict.[25]

6. The heart's approval: moral sentiment

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[24] Cf. MS 5.1.19–21 - the *sākamedhīya-nyāya*; also 6.5.54.

[25] Related ideas can be found in Bernard Williams, "Ethical Consistency", in his *Problems of the Self* (Cambridge: Cambridge University Press, 1973).

I had said earlier that the choice between competing values with equal claim to validity was not arbitrary. But what are the reasons left to us in choosing how to weigh up competing claims of resemblance? We might feel like Buridan's ass, caught between two bails of straw, but I prefer Kumārila's metaphor of being drawn from both sides by two conflicting Vedic injunctions, as if by two celestial women, and unable to find any difference in their strength or authority (p. 134). I return, finally, to the last of Manu's four 'roots' of *dharma*: the heart's approval. One suggestion is that the emotions like inner satisfaction and contentment are a guide in the evaluation of values: just as the mongoose eats only those herbs that are antidotes to poison, and for that reason we say that whatever the mongoose bites is for that reason an antidote to poison, so the learned and good are led by their hearts to choose what is right, and we say that whatever the learned and good do is, for that reason, itself good (Medh. p. 68). That is, in perfectly unconflicted cases, the good man has been following his heart all along; so in absence of the usual guides, that is one to be trusted. The poet Kālidāsa has Duṣyanta say: "In matters where doubt intervenes, the inclination of the heart of a good person becomes the best measure." But another idea is that the heart's approval is not merely an indicator – it actually *creates* the measure with which we measure one measure against another. Kumārila puts the idea thus: just as whatever goes into a salt mine turns into salt, so whatever the man learned in the Veda utters, it becomes Vedic (p. 188). Medhātithi expresses the point even more forcefully: the calmness of mind of a good man can turn wrong into right and right into wrong (p. 68).

Can the heart's desire really ever be constitutive of value? The calm king Trivikramasena solved the riddle and closed the case by choosing the suitor whose conduct was most similar to that of a husband, and in doing so he chose to select certain aspects of resemblance over and above others. There was no one right answer: all we can say is that his decision closed the case, and it did so because the decision was made by a man of discernment. The point is that the claims of the other suitors do not disappear; they remain intact but are forced into suspension by the king's decision. When competing norms are in the balance, a choice for one tilts the scales, but the other does not lose its entitlement to make a claim. Still, when the matter is one of competing claims of resemblance, the heart's approval is what judgment consists in. And that suffices, in spite of the contrary, now-suppressed claims. A conflict makes us question the resemblances upon which our norms rest, forces us to

decide which are relevant, which less so and in these matters of resemblance, only the heart can be the judge.

7. Conclusion

Practical reason or moral deliberation (*tarka*) extracts the norm from the particular and reapplies it to other resembling particulars. The process of extraction presupposes that there is a common cause, a stability in goodness (*dharmanityatā*), in virtue of which what is good here and now can be a guide to what is good somewhere else. Different norms, extracted from different particulars and resting on different judgments of resemblance, will sometimes collide. They are then measured against each other in the to-and-fro of a dialectical process (*vāda*) that first seeks out agreed sites of conflict and then creates a measure with which to adjudicate competing claims of resemblance (this, in fact, is why a logician and a *mīmāṃsaka* must be present at the *pariṣad*). Norms extracted from particulars will be group-specific (*āśramadharma*, *svadharma*) to the extent that they are local approximations of more general laws, or if they are descriptive of practice and custom, but must seek to be universal (*sanātanadharma*, *sādhāraṇadharma*) if they are to pass the Vedic test of moral bindingness. And when for example the norms of different religions collide, each with its own non-negotiable claim to rest on an ultimate ground of value, one is forced, as in the case (Kasus), to reexamine the derivation of those norms from the ultimate ground, the particulars one has chosen as exemplary, and the judgments one has made about relations of resemblance. The confrontation of incommensurable systems of value is the occasion for a dialectical revaluation of the relationship between moral deliberation and the stable grounds of goodness. Comparative philosophers of religion create "cases" of their own whenever they juxtapose texts from different religious traditions, and in doing so make explicit the normative frames implicit within those texts. The method of reasoning from cases, the original ritual reasoning of the Mīmāṃsā, is indeed a method for philosophy itself.